S.B. Criminal Misc. Bail Application No.3316/2006
Date : 03.08.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. N.S. Rathore for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that absolutely a false First Information Report has been lodged against the accused-applicant. He submits that it is correct that the incident in the matter is of serious nature but without there being anything on record simply by mentioning a line in the charge-sheet against the accused-applicant, the applicant cannot be deprived of his right and liberty. He further submits that name of the applicant was not disclosed first but afterwards at the time of filing of the charge-sheet, his name has been inserted for the reason that one of the co-accused

stated that Poppy Husk was obtained from the accused-applicant. He also submits that there appears no prima facie evidence available on record to prove this aspect of the matter.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully gone through the material available on record.

Without expressing any opinion on the merit of the case, however, taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Rajendra Prasad alias Jindal son of Thakar Das shall be released on bail in FIR No.141/2006 P.S. Nohar, District Hanumangarh, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the

sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial. However, as an abundant caution, I would like to place it on record that whatever has been stated hereinabove in this order has been said so only for the purpose of disposing of the present bail petition moved on behalf of the applicant. No part of this order shall be taken as expression of opinion for decision in the case by the trial court.

(SATYA PRAKASH PATHAK), J.

vijayant